



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,577	10/03/2000	Iwao Masuyama	723-939	5668

27562 7590 05/11/2005
NIXON & VANDERHYE, P.C.
1100 N. GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201

EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,577

Applicant(s)

MASUYAMA ET AL.

Examiner

Robert Mosser

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-14, 23-29, 31-35 and 43-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8, 28, 29, 43 and 44 is/are allowed.
- 6) ☒ Claim(s) 2-6, 10-14, 23-27, 31-35 and 45-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION



This action is non-final.

Claims 2-8, 10-14, 23-29, 31-35, and 43-54 are pending.

Claims 7-8, 28-29, 43, and 44 are allowed.



Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/05/2004 has been entered.

Information Disclosure Statement

The information disclosure statement filed 2-27-2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The previously cited foreign patent document 60-7128 dated 01/1985 and the non-patent literature Analog Devices dated 1999 are not present in the application and hence cannot be considered by the examiner at this time.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **2-6, 10-14, 23-27, 31-35, and 45-54** are rejected under 35 U.S.C. 102(b) as being anticipated by Chiang Shiung-Fei (US 4,895,376), referenced herein as Fei.

Regarding claims **2-6, 14, 23-27, 33-35, and 45-54** Fei teaches a game apparatus including: a game/game space/character/display/simulation control program and related storage sections (Elm 104 & Col 6:56-58); a player held housing (Figure 1); a game space display integrated into said player held housing (Elm 50 Figure 2); a change state detection device for detecting the amount and direction of a change in device orientation, tilt, and/or equivalently described impact (Figures 4-6 & Col 6:4-28); a processor for executing said game and character programs, and generating game characters on said display responsive to said change state detection (Elm 104 & Abstract). As presented the display perspective of Fei is altered based on the user's tilting of the game housing (Figures 3 & 4). This change of perspective also referred to by Fei as scrolling in figure nine is understood as responsive to the direction of tilting (resulting in a specific direction of scrolling) and an amount of tilting wherein said amount tilting is understood as a positive amount or alternatively zero. In similar fashion the resultant character moving speed related to the amount tilting (or the

Art Unit: 3714

direction of tilting) is correlated as the existence or non-existence of horizontal character movement. Where the movement of a character would be definition have an associated speed of movement when moving.

Regarding claims 10, and 31, Fei teaches a non-player character (tank) that proceeds in a predetermined motion in the game space in the absence of player interaction (Figure 5). Upon the occurrence of player interaction the non-player character proceeds in a combination of the original predetermined motion and motion derived from the player interaction.

Regarding claims 11-13 and 32, Fei teaches multiple movement paths which are dependent on the user's orientation in the game world and characters (tanks) that move along different paths based on the user's perspective (Figure 6) this equated to "a display area defined such that, when the moving character moves on the game space, the moving character is different in action from that in another area". The display space is demonstrated to be smaller then the total game space in figure 6b-6c where the resulting scrolling from user interaction has cause a portion of trees not previously shown in figure 6b to become visible on the right of the display space in figure 6c.

Allowable Subject Matter

Claims 7-8, 28-29, 43, and 44 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record including the newly cited art of Fei (US 4,895,376) fails to

Art Unit: 3714

incorporate the change state detector along with game program storage means into a detachable cartridge.

Response to Arguments

Applicant's arguments with respect to claims pending have been considered but are moot in view of the new ground(s) of rejection. The newly present reference to Fei was applied to better address the claims as they presently stand. Remaining arguments presented are addressed in the rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on (571)272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

A handwritten signature in black ink, appearing to be 'J. Harrison', with a long horizontal line extending to the right.

JESSICA HARRISON
PRIMARY EXAMINER